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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,224	04/01/2004	David E. Richardson	100111157-1	5369
22879	7590	10/29/2007	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			JAIN, RAJ K	
		ART UNIT	PAPER NUMBER	
		2616		
		MAIL DATE		DELIVERY MODE
		10/29/2007		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/814,224	RICHARDSON, DAVID E.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Raj K. Jain	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 April 2004.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 01 April 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Objections***

Claims 7, 14, 21 and 29 are objected to because of the following informalities: The subject claims recite "RMON" which requires to be spelled out. Appropriate correction is required.

Claims 9, 16 and 19-22 are objected to because of the following informalities: The subject claims recite "management computer" it is not clear what is being claimed the language is vague and indefinite. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8-13, 15-20, 22-28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Schenkel et al (USP 5,933,416).

Regarding claim(s) 1, 9, 16 and 23, Schenkel discloses a method of managing traffic in a first set of nodes of a computer network (fig. 1) having a first set of nodes (A, B) and a second set of nodes (C, D) comprising: determining a source associated with an amount of network traffic over the first set of nodes which exceeds a threshold (claim 1, col 2 lines 24-33, traffic from a set of devices is monitored that exceeds a predetermined threshold), the source being outside a

group of network elements assigned to the first set of nodes (col 3 line 65 – col 4 line 2; col 4 lines 23-27); and automatically displaying an indication of the source in response to determining the source (col 1 lines 19-56).

Regarding claim(s) 2, 10, 17 and 24, Schenkel discloses various types of networks that can be employed, while a specific VLAN is not mentioned however one skilled in the art can deduce from disclosure that the topology of Schenkel can support a VLAN just as easily as a LAN (col 2 lines 51-60).

Regarding claim(s) 3, 11, 18 and 25, Schenkel discloses a user name associated with the source (col 1 lines 40-50).

Regarding claim(s) 4, 5, 12, 19, 26 and 27, Schenkel discloses reassigning the source to the first VLAN in response to determining the source either manually or automatic (col 9 lines 45-61).

Regarding claim(s) 6, 13, 20, and 28, Schenkel discloses traffic data is obtained from the first VLAN using a network management protocol (col 15 lines 5-6).

Regarding claim(s) 8, 15, 22, and 30, Schenkel discloses determination of the source includes determining the top sources of traffic on the first VLAN (col 16 lines 18 – 37).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 14, 21 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schenkel et al (USP 5,933,416) in view of Fletcher et al (USP 6085243). Schenkel fails to disclose using an RMON protocol.

Fletcher discloses using an RMON protocol (col 4 lines 31-67). RMON provides autonomous Network Management, and automatically tracks network traffic volume and errors for each MAC address seen on a segment and maintains a Host Matrix table of MAC address pairs that have exchanged packets and the traffic volume and errors associated with those address pairs. Thus it would have been obvious at the time the invention was made to incorporate the teachings of Fletcher within Schenkel providing an enhanced network management scheme over SNMP protocol and therefore providing an autonomous Network Management system.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj K. Jain whose telephone number is 571-272-3145. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Raj K. Jain*

*/Raj K. Jain/*

**Art Unit 2616**

October 24, 2007